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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/089,580	07/31/2002	Michael Langer	740-65	2526
616	7590	11/09/2007		
THE MAXHAM FIRM 9330 SCRANTON ROAD, SUITE 350 SAN DIEGO, CA 92121			EXAMINER ALI, MOHAMED HATEM	
			ART UNIT	PAPER NUMBER
			3692	
			MAIL DATE	DELIVERY MODE
			11/09/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/089,580

Applicant(s)

LANGER ET AL.

Examiner

Mohamed H. Ali

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 October 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 10-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 10-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. The following is a **final action on merits** in response to the communication on 10/09/2007.

Acknowledgement

2. **The claims 1-9 and 24** are cancelled and **claim 10** is amended. As such **claims 10-23** are pending.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. **Claims 10 - 23** are rejected under 35 U.S.C. 102(e) as being anticipated by Stadelmann (US 6,415,156 B1).

As per claim 10, Stadelmann discloses a method of payment for goods or services on the Internet (col.1, line 18; via Internet, on line services) by means of a

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mobile wireless Internet terminal (col.1, lines 2-7; via a mobile radio telephone with GSM system), the method comprising;

initiating a payment transaction (col. 1, lines 54-65);

providing a customer with access to a payment gateway (col. 2, lines 13-20; via the application 41 as the "validation Platform") via said mobile wireless Internet terminal, wherein said payment gateway is located by an IP address (col. 3, lines 24-30; via inter alia IMSI in SIM card 10);

allowing a provider access to said payment gateway via a server (col.), lines 64-67 through col.4, lines 1-2), wherein information about the customer is stored in said payment gateway;

establishing a minipayment account in said payment transaction (col. 2, lines 50-51);

transmitting from said server, as a provider message, transaction data including provider identification information, payment option supported by the provider, and the IP address of the payment gateway, to the customer's mobile wireless Internet terminal and also to said payment gateway (col. 1, lines 55-65; via goods ordering process);

adding the customer's temporary IP address (SIM card 10) as customer identification;

allowing the customer to review said transaction data, as a customer message to the payment gateway, said transaction data having been received by the customer from the provider (col. 3, lines 12-20);

synchronizing said provider and customer messages in the payment gateway(col. 3, lines 12-20;

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comparing said provider and customer messages to determine whether they match (col. 3, lines 20-25; via if he agrees with the price and the conditions);

determining and checking the customer's Mobile Subscriber Integrated Services Digital Network (MSISDN) number (col. 2, lines 5-25; via SIM card 10, GSM or UMTS and SMSC 41 as implied equivalent in the limitation of utility) and customer information on the basis of the customer's IP address (SIM card 10); and

performing a deduction from the minipayment account online if said provider and customer messages match (col. 4, lines 1-5).

As per claim 11, Stadelmann discloses no electronic financial information and no customer information is stored in said terminal after the transaction (col. 3, lines 40-45; via but no data concerning purchased service, product or information)

As per claims 12 and 13, Stadelmann discloses the step of securing each payment transaction with a personal identification number (PIN) (col. 4, line 1; via PIN).

As per claims 14 and 15, Stadelmann further discloses sensitive data remains securely in the mobile wireless network and is not transmitted over the Internet (col. 3, lines 23-29; via subscriber Identity stored in secured memory area of SIM card 10).

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As per claims 16 and 17, Stadelmann also discloses no additional encryption methods are necessary (col. 2 and 3, lines 66- 67 and 1-2; via may be preferred by TTP but not required).

As per claims 18 and 19, Stadelmann further discloses no additional authentication method is necessary because the authentication of the customer is performed by the mobile wireless network (col. 2, lines 17-20; via agreement and SIM card 10).

As per claims 20 and 21, Stadelmann discloses the provider's server recognizes which GSM operator the customer belongs to on the basis of the IP address range (col. 2, lines 4-55; via services center 41, computer, database 421 and address in SIM card 10).

As per claims 22 and 23, Stadelmann also discloses that the payment gateway generates an electronic invoice for the dealer's account for each transaction performed (col. 4, lines 5- 20; via automatic report by e-mail or fax).

Response to Arguments

5. Applicant's arguments filed 10/09/2007 have been fully considered but they are not persuasive.

The applicants' argument about the "payment gateway is located by an IP address". **The Examiner** respectfully disagrees the point of limitation and explains that a payment gateway is an e-commerce application service provider that authorizes

payment for e-businesses. Stadelman discloses the equivalent service provider with validation platform **42** (col.3, lines 20-60) which works with customer's **SMS** and **SIM** card **10** for the similar functional and utility purpose.

The applicants also argued that,"establishing a minipayment account in said payment system". **The Examiner** respectfully disagrees. Stadelman further discloses that the customer must set-up a monetary account in the customer data base **421** to order a product from a service provider **2** [col.2, line 50], which could be treated as minipayment account or transaction as implied.

The applicants further argued that "synchronizing said provider and customer messages in the payment gateway" and "comparing said provider and customer messages to determine whether they match". **The examiner** respectfully disagrees. The customer is informed of the product, delivery time, conditions etc. to be checked (matching implied) for synchronizing all information before validation and finalizing the order payment transaction as also implied and inherent with e-commerce in the modern technology).

Conclusion

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mohamed H. Ali whose telephone number is 571-270-3021. The examiner can normally be reached on 8.00 to 6.00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kambiz Abdi can be reached on 571-272-6702. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Mohamed H Ali
Examiner
Art Unit 3692

MA

Harish Dass
Primary Examiner
Art Unit 3692

Harish T Dass